

1 STEVEN R. FELDSTEIN (Bar No. 59354)  
2 HELLER EHRLMAN LLP  
3 275 Middlefield Road  
Menlo Park, CA 94025-3506  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638

4 MARY F. RILEY (Bar No. 195874)  
5 GREG J. RICHARDSON (Bar No. 203788)  
MICHELLE A. ROJAS (Bar No. 215365)  
6 HELLER EHRLMAN LLP  
333 Bush Street  
7 San Francisco, CA 94104-2878  
Telephone: (415) 772-6000  
8 Facsimile: (415) 772-6268

9 Attorneys for Defendant  
MOORS & CABOT, INC.

10  
11 GEOFFREY A. BEATY, ESQ. (No. 84997)  
LISA T. UNGERER, ESQ. (No. 100401)  
12 RANKIN, SPROAT, MIRES, BEATY & REYNOLDS  
13 1333 Broadway, Suite 600  
Oakland, CA 94612  
Telephone: (510) 465-3922  
14 Facsimile: (510) 452-3006

15 Attorneys for Plaintiff  
MICHAEL R. ANDEREGG

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION

19  
20 MICHAEL R. ANDEREGG,

Case No.: C 04-01929 CRB

21 Plaintiff,

JOINT STIPULATION AND  
[PROPOSED] ORDER FOR  
REASSIGNMENT OF SETTLEMENT  
CONFERENCE JUDGE

22 vs.

23 MOORS & CABOT, INC.,  
24  
25 Moors & Cabot.

The Honorable Charles R. Breyer  
Trial Date: December, 2005

26 The parties, Plaintiff Michael Anderegg and Defendant Moors & Cabot, Inc., through  
27 their attorneys of record, hereby stipulate and request that the Court order as follows:  
28

---

JOINT STIPULATION AND [PROPOSED] ORDER FOR REASSIGNMENT OF SETTLEMENT CONFERENCE  
JUDGE:  
CASE NO.: 04-01929 CRB

1       1. On June 3, 2005, a Case Management Conference was held in this matter. At  
 2 that time, the Court ordered the parties to engage in some form of alternative dispute  
 3 resolution in August 2005.

4       2. Pursuant to the June 3rd Order, on June 22, 2005 the parties submitted a joint  
 5 stipulation requesting that this case be referred to a settlement conference judge for the  
 6 scheduling of a settlement conference. (A copy of the joint stipulation is attached as  
 7 Exhibit A for the Court's convenience.) In their stipulation, the parties requested that the  
 8 settlement conference be scheduled for either August 11 or 12, 2005, based on their mutual  
 9 availability on those dates.

10       3. Thereafter, the case was assigned to Magistrate Judge Bernard Zimmerman,  
 11 and pursuant to Judge Zimmerman's June 24, 2005 *Order Scheduling Settlement*  
 12 *Conference*, a settlement conference was scheduled in this action for July 12, 2005 at 9:00  
 13 a.m.

14       4. Mary F. Riley, lead trial counsel for Moors & Cabot, is unavailable for the  
 15 settlement conference as presently scheduled on July 12. Due to commitments in other  
 16 pending matters, as well as a pre-planned vacation, Ms. Riley is not available for a  
 17 settlement conference in this case prior to the previously agreed upon dates of August 11  
 18 and August 12.

19       5. Additionally, the parties agree that holding the settlement conference prior to  
 20 August 11 or 12, will not allow the parties sufficient time to adequately prepare for the  
 21 settlement conference. The parties believe an August 11 or 12 settlement conference date  
 22 will allow them the necessary time to meaningfully prepare for and participate in the  
 23 settlement conference.

24       6. For these reasons, on June 29, 2005, the parties filed a joint stipulation  
 25 requesting a continuance of the settlement conference to August 11 or 12. Due to Judge  
 26 Zimmerman's unavailability in August, the request for a continuance was denied. However,  
 27 to accommodate counsel's schedules, Judge Zimmerman offered to continue the settlement  
 28 conference to October 6, 2005. Counsel for Plaintiff is unavailable for a settlement

1 conference on that date.

2       7. Because of Defendant's counsel's unavailability for a settlement conference  
3 before August 11 or 12, 2005, and the parties' concerns that a settlement conference on July  
4 12, 2005 will not allow sufficient time for meaningful participation by the parties in the  
5 settlement conference, the parties, through their attorneys of record, hereby stipulate to and  
6 respectfully request that the Court reassign this case to a magistrate judge who is available  
7 for a settlement conference on August 11 or 12, 2005, or on some other date thereafter in  
8 August.

9  
10 DATED: July 6, 2005

HELLER EHRMAN LLP

11 By   
12 MARY F. RILEY  
13 MICHELLE A. ROJAS  
14 Attorneys for Defendant  
15 MOORS & CABOT, INC.

16 DATED: July 6, 2005

17 RANKIN, SPROAT, MIRES, BEATY &  
18 REYNOLDS

19 By   
20 GEOFFREY A. BEATY  
21 LISA T. UNGERER  
22 Attorneys for Plaintiff  
23 MICHAEL R. ANDEREGG

24  
25  
26  
27  
28 Heller  
Ehrman LLP

-3-

JOINT STIPULATION AND [PROPOSED] ORDER FOR REASSIGNMENT OF SETTLEMENT CONFERENCE  
JUDGE:

1 [PROPOSED] ORDER  
2

3 Based on the foregoing stipulation between the parties, and good cause appearing, IT  
4 IS HEREBY ORDERED that the case is reassigned from Judge Bernard Zimmerman to a  
5 magistrate judge who is available for a settlement conference on August 11 or 12, or some  
6 other date thereafter in August.

7 DATED: July 07, 2005

